

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotor that includes a wall and wherein the channel comprises an opening through the wall of the rotor and the channel includes a control valve incorporated therein (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by CZ 13837 (Sterba hereinafter).

5. In re claim 1 Sterba discloses a rolling fluid machine comprising:

a chamber (1) having an inner surface, where at least a part of said inner surface has a rotary shape and the chamber (1) is provided with at least one fluid inlet (3) and at least one outlet (6) and;

a rolling rotor (4) mounted in the chamber (1) to provide a clearance between the rotor (4) and the inner surface in a manner enabling rolling and swinging, wherein, a first space is provided in the chamber below the rotor (4) and a second space is provided in the chamber above the rotor (4), and wherein the first space below the rotor (4) and the second space above the rotor (4) are fluidically interconnected by at least one channel (7) in addition to the clearance (see Fig. 2 wherein the spaces above and below the rotor (4) are interconnected by a series of channels that include a pump (11), a fluid tank (12) and a throttle valve (14)).

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6. In re claim 3 Sterba discloses the rolling fluid machine as set forth in claim 1, wherein the chamber includes an inner space and wherein the channel (7) is arranged outside the inner space of the chamber (1).

7. In re claim 4 Sterba discloses the rolling fluid machine as set forth in claim 1 wherein the channel (7) includes a control valve (14) incorporated therein.

8. In re claim 7 Sterba discloses the rolling fluid machine as set forth in claim 3, wherein the channel (7) includes a control valve (14) incorporated therein.

Allowable Subject Matter

9. Claims 2, 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron R. Eastman whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Thu 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron R. Eastman/
Examiner, Art Unit 3745

/Edward K. Look/
Supervisory Patent Examiner, Art Unit 3745